IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6618 of 2007()

CRIME NO. 321/07 OF POOJAPPURA POLICE STATION

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PETITIONER/ACCUSED:

BALAKRISHNAN NADAR, AGED 63 YEARS,
S/O. KUTTI NADAR, URIMBINIKONAM PUTHEN VEEDU,
T.C.NO.18/567, PUNNACKAMUGHAL, THIRUMALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL

RESPONDENTS: STATE:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6618 of 2007

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Dated this the 31st day of October, 2007

O R D E R

Application for regular bail. The petitioner, a person aged more than 60 years, faces allegation under Section 376 r/w. 511 I.P.C. The crux of the allegations is that the petitioner at about 6.30 p.m. on 30.9.2007 allegedly attempted to commit rape on a minor girl - daughter of a neighbour - aged about 7 years. The girl complained to her parents. It was revealed that even earlier there were several attempts to outrage the modesty of the girl. the girl does not appear to have understood the significance of such conduct earlier. The incident on 30.9.07 was seen by one other person. The complaint was promptly lodged by the parents of the girl, who took her to the police station. The police recorded her statement with the help of the mother. Investigation is in progress. The petitioner was arrested on 14.9.2007. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He may in these circumstances be

granted regular bail, he having continued in custody from 14.9.2007, prays the learned counsel.

3. The learned Prosecutor opposes the application. I have considered all the relevant inputs. The F.I.R. has been read over to me. The allegations against the petitioner are grave and serious. I am satisfied, in the light of the inputs available, that the Investigators must be given sufficient time to complete the investigation. I have taken note of the nature, gravity and seriousness of the allegations, the quantum and quality of data collected and the stage of the investigation.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this court or the courts below for bail again at a later stage of the investigation, not at any rate, prior to 14.11.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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